

Commonwealth Docket Sheet

Docket Number: 314 CD 2018

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May 24, 2019



CAPTION

Allan Myers, L.P.,
Petitioner
v.
Department of Transportation,
Respondent

CASE INFORMATION

Initiating Document: Petition for Review
Case Status: Active
Case Processing Status: February 12, 2019 Awaiting Answer
Journal Number: 50-10-2018
Case Category: Administrative Agency Case Type(s): Transportation, Department of

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

Petitioner Allan Myers, L.P.

Pro Se: No

IFP Status:

Attorney: Ficken, Bruce William
Law Firm: Cozen O'Connor
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Phone No: (215) 665-6948

Attorney: Kwartnik, James Martin, Jr.
Law Firm: Cozen O'Connor
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Phone No: (215) 665-6937 Fax No:

Attorney: DeLuca, Raymond
Law Firm: Cozen O'Connor
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COUNSEL INFORMATION

Respondent Department of Transportation

Pro Se:

No

IFP Status:

Attorney: Sharp, Jason D.
 Law Firm: Pennsylvania Department of Transportation
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 400 North Street, 9th Floor
 Harrisburg, PA 17120
 Phone No: (717) 787-5473 Fax No:

Attorney: Davis, Jeffrey W.
 Law Firm: Pennsylvania Department of Transportation
 Address: PA Dept of Transportation
 400 North St Fl 9
 Harrisburg, PA 17101
 Phone No: (717) 787-5804 Fax No: (717) 772-2741

Attorney: Wolgemuth, Jason Michael
 Law Firm: Commonwealth of Pennsylvania
 Address: PA Dept of Transportatio
 400 North St Fl 9
 Harrisburg, PA 17126-0096
 Phone No: (717) 787-5804 Fax No:

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
03/13/2018	Petition for Review - Appellate	90.25	03/14/2018	2018-CMW-H-000605	90.25

AGENCY/TRIAL COURT INFORMATION

Order Appealed From: February 26, 2018 Notice of Appeal Filed:
 Order Type: Decision
 Documents Received: March 13, 2018

Court Below:
 County: Division:
 Judge: OTN:
 Docket Number: 082 A.D. 2017 Judicial District:

Court Below:
 County: Division:
 Judge: OTN:
 Docket Number: ECMS NO. 80021 Montgomery County Judicial District:

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
Agency Record	April 13, 2018	

Date of Remand of Record:

BRIEFING SCHEDULE

Petitioner

Allan Myers, L.P.

Respondent

Department of Transportation

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BRIEFING SCHEDULE

Petitioner Allan Myers, L.P. Brief Due: May 21, 2018	Respondent Department of Transportation Brief Due: June 20, 2018	Filed: May 21, 2018	Filed: June 20, 2018
Reply Brief Due: July 20, 2018	Filed: July 20, 2018		
Reproduced Record Due: May 21, 2018	Filed: May 21, 2018		

DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
March 13, 2018	Petition for Review Filed Allan Myers, L.P.		Petitioner	
March 15, 2018	Entry of Appearance Davis, Jeffrey W.	Department of Transportation	Respondent	
March 15, 2018	Entry of Appearance Wolgemuth, Jason Michael	Department of Transportation	Respondent	
March 15, 2018	Application for Stay Ficken, Bruce William DeLuca, Raymond Kwartnik, James Martin, Jr.	Allan Myers, L.P. Allan Myers, L.P. Allan Myers, L.P.	Petitioner Petitioner Petitioner	
	Document Name: Application for Stay of Procurement Pending Appeal			
March 16, 2018	Notice Exited Commonwealth Court of Pennsylvania			03/16/2018
March 16, 2018	Notice Exited Commonwealth Court Filing Office			03/16/2018
	Document Name: Corrected			
March 19, 2018	Hearing Scheduled Pellegrini, Dan			03/20/2018
	Document Name: Upon consideration of petitioner's application for stay of procurement pending appeal, hearing is Comment: scheduled for April 16, 2018 at 1:30 p.m., in Courtroom 3001, Third Floor, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, Pennsylvania. Respondent's answer shall be filed and served on or before April 2, 2018. This matter will be heard seriatim with J.D. Eckman, Inc., v. Department of Transportation, Docket No. 313 CD. 2018.			
March 23, 2018	Answer to Application for Stay Davis, Jeffrey W. Wolgemuth, Jason Michael	Department of Transportation Department of Transportation	Respondent Respondent	
	Document Name: Respondent's Answer to Petitioner's "Application for Stay of Procurement Pending Appeal"			

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
April 2, 2018	Application for Relief Ficken, Bruce William DeLuca, Raymond Kwartnik, James Martin, Jr.	Allan Myers, L.P. Allan Myers, L.P. Allan Myers, L.P.	Petitioner Petitioner Petitioner	
	Document Name: Petitioner's Motion to Attach Verification to Application to Stay			
April 11, 2018	Order Filed Per Curiam			04/11/2018
	Document Name: The hearings scheduled for April 16, 2018, are changed to oral argument on the respective Comment: applications. In all other respects, the separate orders of March 19, 2018, in these matters remain in full force and effect.			
April 13, 2018	Agency Record Received Department of Transportation			
April 19, 2018	Memorandum and Order Brobson, P. Kevin			04/19/2018
	Document Name: Memorandum and Order (5 pages) : Following a hearing on separate applications for special relief in Comment: the nature of a request for a stay and a request for expedited consideration filed by petitioner J.D. Eckman, Inc. (Eckman) and Allan Myers, L.P ., and respondent Department of Transportation's (Department) answers thereto, it is hereby ordered that the applications are GRANTED, in part, and DENIED, in part. The applications are GRANTED to the extent that they request the Court to expedite the disposition of the above-captioned appeals. Petitioners each shall file a reproduced record (4 copies) and briefs in support of their appeals (4 copies) on or before May 21, 2018. Respondents shall file its briefs in opposition (4 copies) on or before June 20, 2018. Petitioners shall file reply briefs (4 copies), if any, on or before July 5, 2018. The Chief Clerk is directed to list this matter for the September 2018 oral argument in Harrisburg.			
May 21, 2018	Tentative Session Date Krimmel, Michael			
	Document Name: September 2018 (Harrisburg)			
May 21, 2018	Petitioner's Reproduced Record Filed Ficken, Bruce William	Allan Myers, L.P.	Petitioner	
May 21, 2018	Petitioner's Brief Filed Ficken, Bruce William	Allan Myers, L.P.	Petitioner	
June 20, 2018	Respondent's Brief Filed Davis, Jeffrey W.	Department of Transportation	Respondent	
June 27, 2018	Application for Extension of Time to File Reply Brief Ficken, Bruce William	Allan Myers, L.P.	Petitioner	
June 28, 2018	Order Granting Application for Extension of Time to File Petitioner Paperbook Simpson, Robert E.			06/29/2018
	Document Name: Petitioner's reply brief shall be filed and served by 7/20/18.			
July 20, 2018	Petitioner's Reply Brief Filed Ficken, Bruce William	Allan Myers, L.P.	Petitioner	

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Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
July 31, 2018	Argument Scheduled Krimmel, Michael			07/31/2018
	Document Name: WEDNESDAY, September 12, 2018 at 1:00 P.M. Before a Panel of Judges sitting in Courtroom 5001 Comment: PA Judicial Center, 601 Commonwealth Avenue, Harrisburg, Pennsylvania. No. 2 ON THE LIST.			
August 6, 2018	Order Filed Per Curiam			08/06/2018
	Document Name: Argument in the above-captioned matter, currently scheduled for Wednesday, September 12, 2018, Comment: at 1:00 p.m. in Harrisburg is CANCELLED. The Chief Clerk is directed to list this matter for oral argument before the court en banc on the October 2018 Argument List in Pittsburgh.			
August 7, 2018	Tentative Session Date Krimmel, Michael			
	Document Name: October 2018 (Pittsburgh)			
September 6, 2018	Argument Scheduled Krimmel, Michael			09/06/2018
	Document Name: WEDNESDAY, October 17, 2018 at 9:30 A.M., Before the Court En Banc sitting in the Comment: Supreme Court Room Eighth Floor, City-County Building, Pittsburgh, Pennsylvania. No. 50 ON THE LIST.			
September 6, 2018	Order Filed Per Curiam			09/07/2018
	Document Name: The above-captioned matters (313 and 314 CD 2018) are listed seriatly for oral argument before Comment: the Court sitting en banc on October 17, 2018. Forty minutes total argument time has been set aside for these matters. Each Petitioner shall have ten minutes to argue its respective appeal, and Respondent shall have twenty minutes to argue both appeals.			
October 8, 2018	Entry of Appearance Ficken, Bruce William Cushing, Kenneth Andrew	Allan Myers, L.P. Allan Myers, L.P.	Petitioner Petitioner	
October 23, 2018	Entry of Appearance Cushing, Kenneth Andrew	Allan Myers, L.P.	Petitioner	
January 11, 2019	Reversed Leavitt, Mary Hannah			01/11/2019
	Document Name: Opinion (19 pages) Comment: The order of the Secretary of Transportation is REVERSED and the DOT's bid solicitation of 12-20-17 is cancelled. Judge Fizzano Cannon did not participate in the decision.			
February 11, 2019	Application for Stay Davis, Jeffrey W. Sharp, Jason D. Wolgemuth, Jason Michael	Department of Transportation Department of Transportation Department of Transportation	Respondent Respondent Respondent	
	Document Name: Respondent's Verified Application for Stay Pending Disposition of Petition for Allowance of Appeal			
February 11, 2019	Petition for Allowance of Appeal to PA Supreme Court Filed Department of Transportation		Respondent	
	Document Name: 95 MAL 2019 Comment: 95 MAL 2019			

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
February 25, 2019	Answer to Application for Stay			
	Ficken, Bruce William	Allan Myers, L.P.	Petitioner	
	Cushing, Kenneth Andrew	Allan Myers, L.P.	Petitioner	
	DeLuca, Raymond	Allan Myers, L.P.	Petitioner	
	Kwartnik, James Martin, Jr.	Allan Myers, L.P.	Petitioner	
Document Name: Petitioner's Answer to Respondent's February 11, 2019 Application for Stay				
March 7, 2019	Praecepte to Withdraw			
	Sharp, Jason D.	Department of Transportation	Respondent	
	Davis, Jeffrey W.	Department of Transportation	Respondent	
	Wolgemuth, Jason Michael	Department of Transportation	Respondent	
Document Name: Praecepte to Withdraw Application for Stay				
March 7, 2019	Petition for Allowance of Appeal to PA Supreme Court Discontinued			
	Department of Transportation		Respondent	
Document Name: 95 MAL 2019				
Comment: 95 MAL 2019				

SESSION INFORMATION

Journal Number: 50-10-2018
 Consideration Type: En Banc Argument
 Listed/Submitted Date: October 17, 2018

Panel Composition:

The Honorable Mary Hannah Leavitt	President Judge
The Honorable Renee Cohn Jubelirer	Judge
The Honorable Robert E. Simpson	Judge
The Honorable P. Kevin Brobson	Judge
The Honorable Patricia A. McCullough	Judge
The Honorable Michael H. Wojcik	Judge
The Honorable Ellen H. Ceisler	Judge

DISPOSITION INFORMATION

Final Disposition: Yes

Related Journal No: Judgment Date:

Category: Decided Disposition Author: Leavitt, Mary Hannah

Disposition: Reversed Disposition Date: January 11, 2019

Disposition Comment: The order of the Secretary of Transportation is REVERSED and the DOT's bid solicitation of 12-20-17 is cancelled. Judge Fizzano Cannon did not participate in the decision.

Dispositional Filing: **Opinion** Filing Author: Leavitt, Mary Hannah

Filed Date: 1/11/2019 12:00:00AM